

S.N.: 10/568,009
Art Unit: 2819

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Fig. 1, and replaces the original sheets of drawings. In this Figure the applicant has added the Legend “Prior Art” as suggested by the Examiner.

Attachment: Replacement Sheet Figure 1

REMARKS:

This paper is herewith filed in response to the Examiner's Office Action mailed on November 27, 2006 for the above-captioned U.S. Patent Application. This office action is a rejection of the claims 1-5, 7-12, 14-23, 25, 26 and 28-39.

More specifically, the Examiner has rejected claims 1-5, 7-12, 14-23, 25, 26 and 28-39 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention, has rejected claims 8-11, under 35 USC 102(b) as being anticipated by Berger (US5,973,626), has indicated that claims 1-5, 7, 14-23, 25-26, and 28-39 would be allowable if rewritten or amended to overcome the rejections under 35 USC 112, 2nd paragraph, set forth in this Office Action, and has indicated claim 12 would be allowable if rewritten to overcome the rejection under 35 USC 112, 2nd paragraph, set forth in this Office Action and to include all the limitations of the base claim and any intervening claims. The rejections are respectfully addressed below.

Claims 1, 4, 5, 8, 15, 23, 26 and 29, have been amended to address the rejections under 35 USC 112, second paragraph. Claim 23 has been amended for clarification and to correct a typographical error. Claims 26 and 29 have been amended for clarification. Support for the amendments can be found at least on page 7, line 18 to page 10, line 2. No new matter is added.

Regarding the rejection of claims 1-5, 7-12, 14-23, 25, 26 and 28-39 under 35 USC 112, second paragraph, claims 1, 4, 5, 8, 15, 23, 26 and 29, have been amended to address the rejections as suggested by the Examiner. Claim 31 is not amended since the Applicant does not find an 'antecedent basis' issue as per the Office Action. Further, the Applicant notes that although claims 2, 3, 7, 9-12, 14, 16-22, 25, 28, and 30-39 have also been rejected under 35 USC 112, second paragraph, there is no explanation disclosed in the Office Action. Therefore, the Applicant assumes that the rejection of these claims, with the exception of claims 37, 38, and 39, is due to their dependency to the rejected independent claims 1, 8, 15, 23, 26, and 29. Therefore, the Applicant respectfully requests allowance of claims 2, 3, 7, 9-12, 14, 16-22, 25, 28, and 30-

39; or clarification in a non-final Office Action of the rejection of these claims lacking explanation.

Further, in claim 1 the term “associated” has been deleted so as to further clarify the claim. The applicant has also amended claim 1 to further clarify the claim by referring to a second different data structure, instead of a second data structure.

In addition, in response to the Examiner’s statement that “the claim (1) is confusing because the letter ‘H’ represents the height of the coding tree and the bit of the codeword...Similar rejection applies to claims 8, 15... Please clarify,” the Applicant notes that as the binary coding tree represents a codeword, the value ‘H’ may be representative of both the height of the coding tree and the bits of the codeword. In addition, the Applicant has amended claim 4 to recite “a value of H.” Similarly, as the Examiner has also stated a confusion for the use of the letter ‘H’ in claim 29, the Applicant notes that ‘H’ does not refer to the level of the nodes of the Huffman code but describes that the coding tree is arranged in H levels. This is the same as the height of the Huffman coding tree.

Therefore, for at least the reasons stated above, the rejection of claims 1-5, 7-12, 14-23, 25, 26 and 28-39 under 35 USC 112, second paragraph, have been addressed and the rejection should be removed for these claims.

Regarding the rejection of claims 8-11 under 35 USC 102(b) as being anticipated by Berger, the Applicant has amended claim 8 to include the subject matter of claim 12. As indicated in the Office Action, claim 12 would be allowable if rewritten to overcome the rejection under 35 USC 112, second paragraph, and to include all of the limitations of the base claim and any intervening claim. As claim 8 now includes the subject matter of claim 12; claim 8 is now seen as allowable. Thus, for at least this reason, the Applicant contends that none of the claims 8-11 are anticipated by Berger, and all the claims 8-11 and 14 should be allowed.

Furthermore, as the claims 1-5, 7, 14-23, 25-26, and 28-39 now overcome the rejections under 35

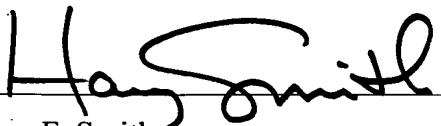
S.N.: 10/568,009
Art Unit: 2819

USC 112, 2nd paragraph, these claims are also allowable as set forth in the Office Action. Therefore, for at least this reason all the claims 1-5, 7-11, 14-23, 25-26, and 28-39 should be allowed.

In view of the current amendments and remarks above, all claims are now seen to patentably distinguish over the cited art, and/or overcome the rejection under 35 USC 112, second paragraph. The Applicant respectfully requests that the Examiner pass pending claims 1-5, 7-11, 14-23, 25-26, and 28-39 to issue. The undersigned representative welcomes the opportunity to resolve any matters that may remain, formal or otherwise, via teleconference at the Examiner's discretion.

S.N.: 10/568,009
Art Unit: 2819

Respectfully submitted:



Harry F. Smith

Reg. No.: 32,493

2/23/2007

Date

Customer No.: 29683

HARRINGTON & SMITH, PC

4 Research Drive

Shelton, CT 06484-6212

Phone: (203) 925-9400

Facsimile: (203) 944-0245

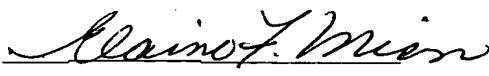
Email: hsmith@hspatent.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2/23/07

Date



Name of Person Making Deposit



Huffman Tree 10

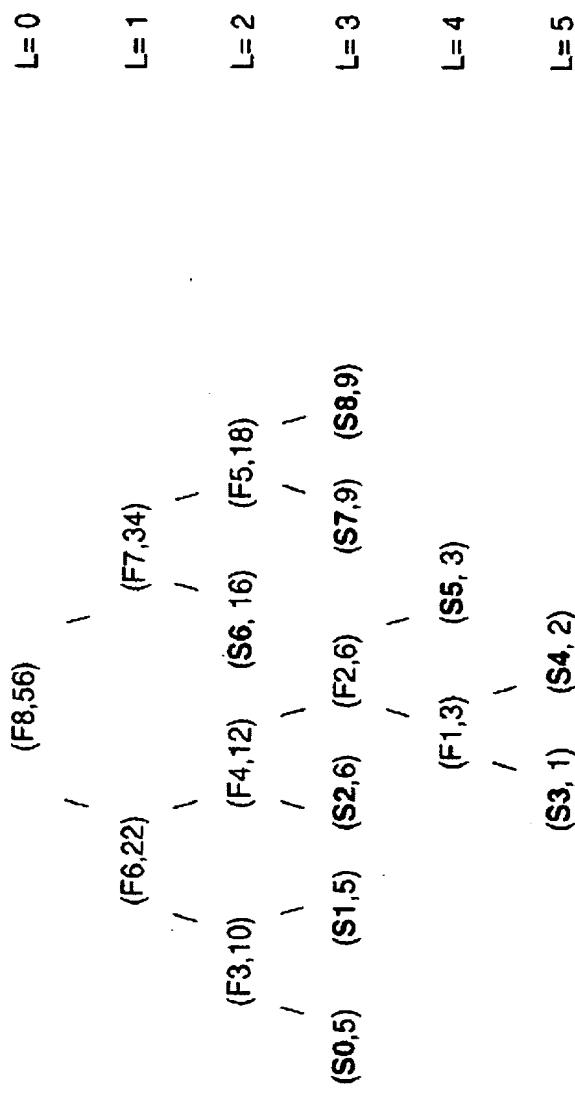


Fig. 1 Prior Art